

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

AMBREA BANKS DAVIS

PLAINTIFF

v.

CIVIL ACTION NO.: 2:18-CV-00170-KS-MTP

SEARS, ROEBUCK AND COMPANY
AND CARL E. PURDUM, JR.

DEFENDANTS

NOTICE OF BANKRUPTCY FILING AND IMPOSITION OF AUTOMATIC STAY

PLEASE TAKE NOTICE that on October 15, 2018, (the “**Commencement Date**”), Sears Holdings Corporation and its debtor affiliates, as debtors and debtors in possession in the referenced chapter 11 cases (collectively, the “**Debtors**”) each commenced a voluntary case (the “**Chapter 11 Cases**”) under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 *et seq.*) (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”). The Chapter 11 Cases are being jointly administered under Case No. 18-23538 (RDD) (the “**Bankruptcy Cases**”). A copy of Sears, Roebuck and Co.’s chapter 11 petition is attached hereto as **Exhibit A**.

PLEASE BE ADVISED that pursuant to section 362(a) of the Bankruptcy Code (the “**Automatic Stay**”), the filing of a bankruptcy petition “operates as a stay, applicable to all entities,” of, among other things “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code], or to recover a claim against the debtor that arose before the commencement of the [bankruptcy] case” and “any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate.” 11 U.S.C.

§ 362(a)(1), (3). Accordingly, the above-captioned matter has been automatically stayed pursuant to section 362(a) of the Bankruptcy Code.

PLEASE BE FURTHER ADVISED that any action taken against the Debtors without obtaining, from the Bankruptcy Court, relief from the Automatic Stay is void *ab initio* and may result in a finding of contempt for violation of the Automatic Stay. The Debtors reserve and retain their statutory right to seek relief in the Bankruptcy Court from any action by Plaintiff(s) or any judgment, order, or ruling entered in violation of the Automatic Stay.

In the event the Court or any parties have questions regarding the Chapter 11 Cases, please contact the undersigned counsel for Sears, Roebuck and Co.

This the 18th day of October, 2018.

Respectfully submitted,

**SEARS, ROEBUCK AND CO.
AND CARL R. PURDUM, JR.**

By: s/ Clint D. Vanderver
Thomas M. Louis (MSB #8484)
Clint D. Vanderver (MSB #101997)

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CERTIFICATE OF SERVICE

I, Clint D. Vanderver, do hereby certify that I electronically filed the foregoing with the Clerk of Court, utilizing the Court's ECF system to the following:

Raymond P. Tullos, Esq.
P.O. Box 74
Raleigh, Mississippi 39153

ATTORNEY FOR PLAINTIFF

This, the 18th day of October, 2018.

s/ Clint D. Vanderver
Clint D. Vanderver

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